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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION**

<b>LEROY JAMES SCHMITZ,</b>	)	<b>CV-06-50-BU-RFC</b>
	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	
	)	<b>ORDER ADOPTING FINDINGS</b>
	)	<b>AND RECOMMENDATIONS OF</b>
<b>KATHY HAAGLAND,</b>	)	<b>U.S. MAGISTRATE JUDGE</b>
	)	
<b>Respondent.</b>	)	
_____	)	

On November 7, 2006, United States Magistrate Judge Richard W. Anderson entered his Findings and Recommendation. Magistrate Judge Anderson recommends that the Petition for Writ of Habeas Corpus be dismissed without prejudice.

Petitioner was allowed 20 days after the signing of the recommendations to file written objections. 28 U.S.C. § 636(b)(1). In this matter, Petitioner did not file an objection to the November 7, 2006 Findings and Recommendation. Instead, Petitioner filed a Motion to Dismiss on November 14, 2006, requesting that the Petition for Writ of Habeas Corpus be dismissed.

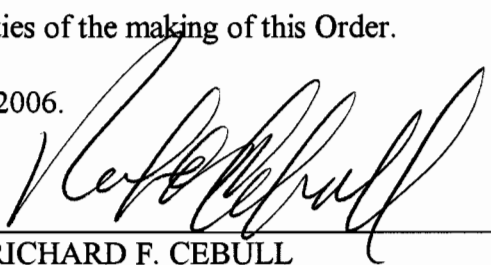
After an extensive review of the record and applicable law, and after Petitioner's request that the Petition for Writ of Habeas Corpus be dismissed, this Court finds Magistrate Judge

Anderson's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety.

Accordingly, **IT IS HEREBY ORDERED** Petitioner's Writ of Habeas Corpus is **DISMISSED WITHOUT PREJUDICE**.

The Clerk of Court shall notify the parties of the making of this Order.

DATED the 15 day of November, 2006.

  
\_\_\_\_\_  
RICHARD F. CEBULL  
UNITED STATES DISTRICT JUDGE